UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-- X

NEXT MANAGEMENT,

Plaintiff,

-against-

TRACEY MATTINGLY,

Defendant / third party plaintiff,

-against-

TIMOTHY PRIANO; ARTISTS BY TIMOTHY PRIANO; and MILLIE PELLETT,

Third party defendants.

-- X

Docket No: 04 CV 3941 (TPG)

(Electronically Filed)

NOTICE OF MOTION

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: ____
DATE FILED: 5/5/05

COUNSEL:

PLEASE TAKE NOTICE that upon the Declaration of Robert J. Tolchin, Esq., dated November 18, 2004; the exhibits annexed thereto; upon the pleadings and proceedings heretofore had herein; and upon the annexed memorandum of law dated November 18, 2004, the plaintiff and third party defendants will move this Court, at the Courthouse located at 500 Pearl Street, New York, New York, 10007, before the Honorable Thomas P. Griesa, on the 13th day of December, 2004 at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order:

a) DISMISSING the counterclaims for failure to state a claim on which relief can be granted, pursuant to FED. R. CIV. PROC. 12(b)(6); and

b) GRANTING such other and further relief as is just and proper under the circumstances.

Motion denied as to first and second counterclaims and granted as to third counterclaim. The third counterclaim is dismissed without prejudice. So ordered. 5/5/05

Thomas P. Griesa
USDJ

Dockets.Justia.com

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1(b)(2), any opposition to this motion must be served on or before December 3, 2004.

Dated: New York, New York
November 18, 2004

Respectfully submitted,

JAROSLAWICZ & JAROS, ESQS.
Attorneys for the plaintiff and third party defendants

by: Robert J. Tolchin
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